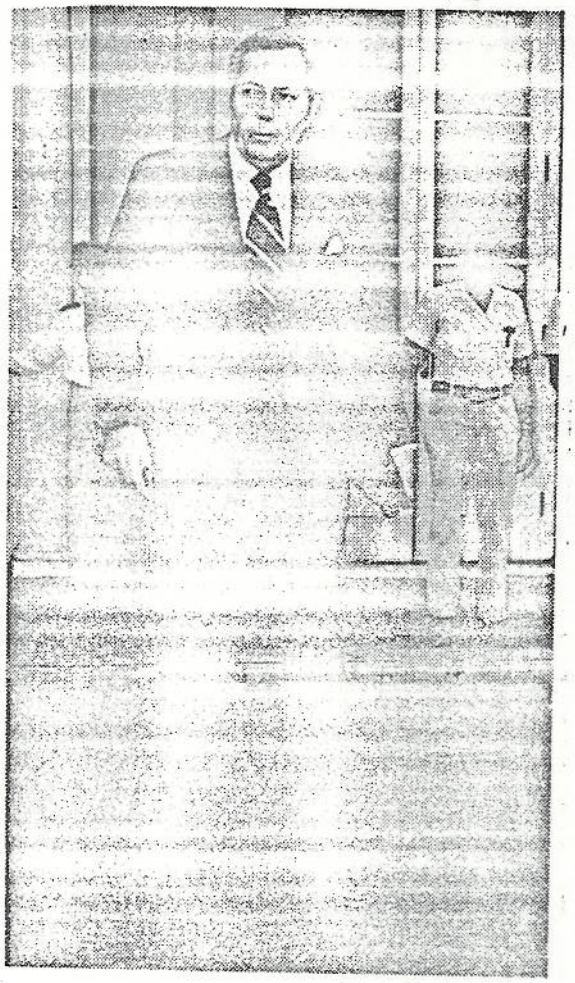

—Photo by The Times-Picayune.

DIST. ATTY. JIM GARRISON leaves the Royal Orleans Hotel Monday to enter the federal building for the first day of his trial before Federal Judge Herbert W. Christenberry.

Jury Is Selected in Garrison Case

Technical Queries Cause Trial Delay

By JOHN McMILLAN

A nine-man, three-woman jury was selected in the bribery and conspiracy trial of District Attorney Jim Garrison and two others after a day-long elimination process Monday.

The trial was 43 minutes late getting under way while the attorneys conferred with U.S. District Court Judge Herbert W. Christenberry concerning technicalities of procedure.

Also, another defendant in the case, Harby Marks Jr., was severed. He makes the seventh defendant who was arrested and charged with the DA to either be granted a separate trial or to plead guilty.

In one of several statements Garrison made to reporters Monday, the DA commented on those who are no longer on trial with him.

"There's been a tremendous misunderstanding on the part of the news media. Everytime a co-defendant of mine would

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plead, the press would say another co-defendant plead and the United States has another witness against Garrison.

"I happen to be innocent and this case is going to prove it. It does not necessarily follow that when a co-defendant pleads guilty that he is a witness against me.

"In most cases these men are going to have to say they don't know me and have never had a conversation with me. Whether or not there was something going on, that's for the government to prove.

"But you will find that I wasn't a part of what was going on."

Besides Garrison—who is charged with accepting bribes to further the interests of illegal pinball gambling—John Aruns Callery and Robert Nims also remain on trial.

Callery, who was described by the government as a lobbyist for the pinball industry, is a former part-owner of New Orleans Novelty Co. Nims is the owner of REN Enterprises.

Those who were scheduled to be tried but have been severed are John Elmo Pierce, the owner of Pierce Amusement Co.; Lawrence Lagarde Sr., a partner in TAC Amusement Co.; Robert Frey, a former police sergeant who headed the vice squad; and Marks, who was an employe of New Orleans Novelty.

Those who pled guilty are: Louis Boasberg, the owner of New Orleans Novelty Co.; John Elms Jr., a partner in TAC Amusement Co.; and Frederick A. Soule Jr., a former police captain who was assigned to Garrison's office.

Those who were selected to sit in judgments of the defendants as jurors are:

William M. Grover, a truck driver from Reserve; Dewey L. LeJeune, an electrician from Hammond; Gerard A. Chutz, an employe of Charity Hospital from Chalmette; Raul Trahan, a bridge tender from Des Allemands; Leon C. Morgan, a mechanic from Chalmette; Bruce Fussell, a millwright from Roseland; Mrs. Mary Lou Durbin, a postal worker from New Sarpy; Moise S. Crochet, a custodian from Thibodaux; Jessie P. Villemarette, a pipeline guager from Gretna; Mrs. Eula P. Fleming, a housewife from Pearl River; Mrs. Delores W. Newton, a telephone repairwoman from New Orleans; and Delbert J. Schexnayder, a welder from LaPlace.

The two alternates are Mrs. Audrey M. Chouest, a packer from Westwego; and Mrs. Ouita S. Jourdan, a secretary from Bush.

Before they were selected, one of Garrison's attorneys, Mark Cadish of Boston, moved for a continuance based on the grounds that another of the DA's attorneys, F. Lee Bailey, could not be present.

Bailey is scheduled to stand trial himself in Orlando, Fla., shortly on charges of mail fraud.

Kadish argued that Garrison had a right to the counsel of his choice and that it was impossible for Bailey to represent Garrison at this time.

Judge Christneberry, in denying the motion, said Garrison was not entitled to a particular attorney but an attorney.

The judge noted that the DA was represented by three competent lawyers, Kadish; Fred J. Barnett, another lawyer partner of Bailey and Kadish; and local attorney Louis B. Merhige.

Judge Christenberry told the jury that the trial may take four weeks. He said they would not work nights and would not be sequestered.

During the questioning of prospective jurers, several were excused for reaons of hardship and several told the judge they had fixed opinions about the case.

The others indicated they could be fair and impartial and return a verdict based upon the evidence presented in court as it pertained to the law as supplied by the judge.

The indictment, ready in part by Judge Christenberry to the jury, charges that the pinball distributors made monthly payoffs to Garrison and the two police officers in order to receive protection from arrest and prosecution for operating illegal pinball gambling.

Nims, Elms, Boasberg and Lagarde were convicted last spring of operating such devices and shipping them through interstate commerce.

Callery was charged in the same trial but was severed due to illness.

During that trial Pierce, a main witness against his fellow pinball distributors, testified that they paid more than $50,000 a year for tipoffs on pinball raids by the police department.

In this trial, one of the main witnesses may be Persh-

ing Gervais, a former investigator for Garrison, who worked for the government in developing its case.

Prosecuting the case for the government are U. S. Attorney Gerald J. Gallinghouse; Assistant U. S. Attorney Michael J. Ellis and Eric Gizleson, acting chief of the Organized Crime Strike Force in New Orleans.

Garrison said in another remark to reporters Monday that the government used guile and trickery to lodge the charges against him.

But, he said, "it is an honor to be prosecuted by the most corrupt national administration in the history of our nation."